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*Attorneys for Plaintiff State of California, by and  
through Attorney General Xavier Becerra*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA by and through  
Attorney General Xavier Becerra;  
COUNTY OF LOS ANGELES; CITY OF  
LOS ANGELES; CITY OF FREMONT;  
CITY OF LONG BEACH; CITY OF  
OAKLAND; CITY OF STOCKTON,**

Plaintiffs,

**v.**

**WILBUR L. ROSS, JR., in his official  
capacity as Secretary of the U.S.  
Department of Commerce; U.S.  
DEPARTMENT OF COMMERCE; RON  
JARMIN, in his official capacity as Acting  
Director of the U.S. Census Bureau; U.S.  
CENSUS BUREAU; DOES 1-100,**

Defendants.

3:18-cv-01865

**PLAINTIFFS' REQUEST FOR  
JUDICIAL NOTICE**

Date: January 7, 2019  
Time: 9:00 a.m.  
Dept: 3  
Judge: The Honorable Richard G.  
Seeborg  
Action Filed: March 26, 2018

1 INTRODUCTION

2 Plaintiffs respectfully request that this Court take judicial notice of certain facts and  
3 documents at the trial of this matter, in accordance with Rule 201 of the Federal Rules of  
4 Evidence.

5 MATTERS TO BE JUDICIALLY NOTICED

6 **A. Plaintiffs request that this Court take judicial notice of the following facts:**

7 1. The citizenship question was a concern highlighted by the state Legislative Analyst's  
8 Office.

9 **Grounds for judicial notice:** This fact can be accurately and readily determined from  
10 sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*  
11 *v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (a court may take notice of facts and  
12 documents that are "not subject to reasonable dispute.").

13 **Sources of fact:** PTX-502 at CAL000002- CAL000005.

14 2. During an April 24, 2018 California Assembly Budget Subcommittee hearing,  
15 Assembly Member David Chiu stated that the citizenship question has placed California in a  
16 "different world" that necessitates enhanced budget allocations for census outreach.

17 **Grounds for judicial notice:** This fact can be accurately and readily determined from  
18 sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*  
19 *v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (a court may take notice of facts and  
20 documents that are "not subject to reasonable dispute.").

21 **Sources of fact:** PTX-517 at 45:19-46:12; PTX-518 at 1:18:05-1:18:55.

22 3. Since the appropriation, the California Complete Count Committee, the body in  
23 charge of the outreach efforts, has submitted reports to the Governor and Legislature which  
24 highlight the citizenship question as a challenge to those outreach efforts.

25 **Grounds for judicial notice:** This fact can be accurately and readily determined from  
26 sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*  
27 *v. City of Los Angeles*, 250 F.3d 668, 688 (9th Cir. 2001) (a court may take notice of facts and  
28 documents that are "not subject to reasonable dispute.").

**Sources of fact:** PTX-508 at CAL000269-270; 278, 284, 292-93; PTX-507 at CAL000243-244.

**B. Plaintiffs request that this Court take judicial notice of the following documents:**

4. STATE OF CALIFORNIA LEGISLATIVE ANALYST'S OFFICE, THE 2018-2019 BUDGET, CENSUS OUTREACH (Mar. 8, 2018), available at <https://lao.ca.gov/Publications/Report/3780>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-502.

**Grounds for judicial notice:** This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (taking notice of excerpts of a Senate Report); *Daghlian v. DeVry Univ., Inc.*, 574 F.3d 1212, 1213 (9th Cir. 2009) (taking notice of legislative history of a Senate bill). This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

5. STATE OF CALIFORNIA OFFICE OF THE GOVERNOR EDMUND G. BROWN JR., EXECUTIVE ORDER B-49-18 (April 13, 2018), available at <https://gov.ca.gov/2018/04/13/governor-brown-creates-california-complete-count-committee>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-503.

**Grounds for judicial notice:** This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson v. Holder*, 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (taking notice of excerpts of a Senate Report); *Daghlian v. DeVry Univ., Inc.*, 574 F.3d 1212, 1213 (9th Cir. 2009) (taking notice of legislative history of a Senate bill). This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

6. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET SUMMARY, available at <http://www.ebudget.ca.gov/2018-19/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-504.

**Grounds for judicial notice:** This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations issued by any public entity in the United States. *See Daghlain*, 574 F3d at 1213, fn. 1; *Demos v. City of Indianapolis*, 302 F3d 698, 706 (7th Cir. 2002) (a district court can judicially notice public statutes); *Klay v. Panetta*, 758 F3d 369, 377 (DC Cir. 2014) (J. Griffith concur.opn.) (recognizing court may take judicial notice of statutes). This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

7. CALIFORNIA STATE BUDGET 2018-19, ENACTED BUDGET DETAIL, 0511 GOVERNMENT OPERATIONS, SECRETARY, available at <http://www.ebudget.ca.gov/budget/2018-19EN/#/Department/0511>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-505.

**Grounds for judicial notice:** This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. Judicial notice may be taken of legislative enactments and regulations issued by any public entity in the United States. *See Daghlain*, 574 F3d at 1213, fn. 1; *Demos*, 302 F3d at 706; *Klay*, 758 F3d at 377. This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

8. STATE OF CALIFORNIA LEGISLATIVE ANALYST'S OFFICE, THE 2018-2019 BUDGET: CALIFORNIA SPENDING PLAN, (OCT. 2, 2018), available at <https://lao.ca.gov/reports/2018/3870/spending-plan-2018.pdf>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-506.

**Grounds for judicial notice:** This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See Anderson*, 673 F.3d at 1094 n.1; *Daghlain*, 574 F3d at 1213, fn. 1. This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

9. CALIFORNIA COMPLETE COUNT CENSUS 2020, PROGRESS REPORT ON THE CENSUS INFRASTRUCTURE, A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE ASSEMBLY SELECT COMMITTEE ON THE CENSUS, AND THE SENATE SELECT COMMITTEE ON THE 2020 UNITED STATES CENSUS (Oct. 1, 2018), available at <https://census.ca.gov/wp-content/uploads/sites/4/2018/10/Leg-Report-FINAL-100118-errata.pdf>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-507.

**Grounds for judicial notice:**

This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This Court may take judicial notice of public records. *See Jones v. Markiewicz-Qualkinbush*, 842 F3d 1053, 1062, fn. 24 (7th Cir. 2016) (judicial notice taken of city council minutes); *Buffets, Inc. v. Leischow*, 732 F3d 889, 897 (8th Cir. 2013) (appellate court can take judicial notice based on records of Office of Comptroller that U.S. Bank's main office is in Ohio). This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

10. CENSUS 2020 CALIFORNIA COMPLETE COUNTY COMMITTEE AND THE CALIFORNIA GOVERNMENT OPERATIONS AGENCY, INITIAL REPORT TO THE OFFICE OF GOVERNOR EDMUND G. BROWN JR., COUNTING ALL CALIFORNIANS IN THE 2020 CENSUS, available at [https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC\\_Initial\\_Report\\_to\\_the\\_Governor-FINAL100218.pdf](https://census.ca.gov/wp-content/uploads/sites/4/2018/10/CCCC_Initial_Report_to_the_Governor-FINAL100218.pdf). A true and correct copy has been marked as Plaintiffs' Exhibit PTX-508.

**Grounds for judicial notice:**

This document can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also Lee*, 250 F.3d at 688. This Court may take judicial notice of public records. *See Jones*, 842 F3d at 1062, fn. 24; *Buffets*, 732 F3d at 897. This document is independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

11. SENATE BUDGET AND FISCAL REVIEW SUBCOMMITTEE NO. 4 PART A HEARING, 2017-2018 Leg. Sess. (Mar. 15, 2018) (Agenda), available at

1 <https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB4/03152018Sub4PartAHousingAgen>  
 2 [da.pdf](#). A true and correct copy has been marked as Plaintiffs' Exhibit PTX-509.

3 **Grounds for judicial notice:** This document can be accurately and readily determined  
 4 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
 5 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
 6 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
 7 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

8 12. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-  
 9 2018 Leg. Sess. (Apr. 24, 2018) (Agenda), available at

10 [https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub\\_4\\_April\\_24\\_2018%20\(2\).pdf](https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub_4_April_24_2018%20(2).pdf).

11 A true and correct copy has been marked as Plaintiffs' Exhibit PTX-510.

12 **Grounds for judicial notice:** This document can be accurately and readily determined  
 13 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
 14 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
 15 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
 16 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

17 13. SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW HEARING, 2017-2018 Leg.  
 18 Sess. (May 22, 2018) (Agenda), available at

19 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOv](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FullC/05222018SBFRHearingAgendaOverviewof2018BudgetPlan.pdf)  
 20 [erviewof2018BudgetPlan.pdf](#). A true and correct copy has been marked as Plaintiffs' Exhibit

21 PTX-512.

22 **Grounds for judicial notice:** This document can be accurately and readily determined  
 23 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
 24 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
 25 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
 26 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

27 14. ASSEMBLY BUDGET SUBCOMMITTEE NO. 4 STATE ADMINISTRATION HEARING, 2017-  
 28 2018 Leg. Sess. (May 24, 2018) (Agenda), available at

1 <https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Sub%204%20May%2024%20%20%20May%20Revise.pdf>. A true and correct copy has been marked as Plaintiffs' Exhibit PTX-  
2  
3 513.

4 **Grounds for judicial notice:** This document can be accurately and readily determined  
5 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
6 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
7 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
8 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

9 15. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 6, 2018)  
10 (Second Pass Agenda), available at  
11 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndP](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndPass.pdf)  
12 [ass.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/2018ConferenceAgenda2ndPass.pdf). A true and correct copy has been marked as Plaintiffs' Exhibit PTX-514.

13 **Grounds for judicial notice:** This document can be accurately and readily determined  
14 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
15 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
16 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
17 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

18 16. 2018-19 LEGISLATIVE BUDGET CONFERENCE COMMITTEE HEARING, (June 8, 2018)  
19 (Close Out Agenda), available at  
20 [https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOut](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOutAgenda.pdf)  
21 [Agenda.pdf](https://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/conference/k06082018FinalCCCcloseOutAgenda.pdf). A true and correct copy has been marked as Plaintiffs' Exhibit PTX-515.

22 **Grounds for judicial notice:** This document can be accurately and readily determined  
23 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
24 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
25 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F3d at 1213, fn. 1. This document is  
26 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

27 17. TRANSCRIPT OF THE APRIL 24, 2018 CALIFORNIA ASSEMBLY BUDGET SUBCOMMITTEE  
28 HEARING, available at <https://www.assembly.ca.gov/media/assembly-budget-subcommittee-4->

1 state-administration-20180424/video. A true and correct copy has been marked as Plaintiffs'  
 2 Exhibit PTX-517. A true and correct copy of the video has been marked as Plaintiffs' Exhibit  
 3 PTX-518.

4 **Grounds for judicial notice:** This document can be accurately and readily determined  
 5 from sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b)(2); *see also*  
 6 *Lee*, 250 F.3d at 688. The Court may take notice of the legislative history of a statute. *See*  
 7 *Anderson*, 673 F.3d at 1094 n.1; *Daghlian*, 574 F.3d at 1213, fn. 1. This document is  
 8 independently admissible as a public record. Fed. R. Evid. 803(8)(A)(i).

### 9 CONCLUSION

10 For the foregoing reasons, Plaintiffs respectfully ask the Court to grant their request and  
 11 take judicial notice of the above-listed facts and documents.

12 Dated: January 9, 2019

Respectfully Submitted,

14 XAVIER BECERRA  
 Attorney General of California  
 15 MARK R. BECKINGTON  
 ANTHONY R. HAKL  
 Supervising Deputy Attorneys General  
 16 GABRIELLE D. BOUTIN  
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 17 TODD GRABARSKY  
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19 /s/ R. Matthew Wise  
 20 R. MATTHEW WISE  
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 21 Attorneys for Plaintiff State of California, by and  
 through Attorney General Xavier Becerra

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 24 13395769.docx

## CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.** No. **3:18-cv-01865**  
**Wilbur L. Ross, et al.**

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I hereby certify that on January 9, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 9, 2019, at Sacramento, California.

---

Tracie L. Campbell  
Declarant

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*/s/ Tracie Campbell*  
Signature